

Appln. No. 09/594,875
Amendment dated December 13, 2005
Reply to Office Action of September 13, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The September 13, 2005 Final Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

Inasmuch as the present Amendment raises no new issues for consideration, and, in any event, places the present application in condition for allowance or in better condition for consideration on appeal, its entry under the provisions of 37 CFR 1.116 are respectfully requested.

FORM PTO 892

In the prior Office Action dated March 28, 2005 the Examiner cites USP 5,943,517 (Sato) and applies Sato against the pending claims. However, the Sato reference is not listed on the Form PTO 892 attached to the March 28, 2005 Office Action. Applicant respectfully requests that the Examiner issue a further Form PTO 892 with the next Patent Office communication to make USP 5,943,517 (Sato) of record in the present application.

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ALLOWABLE SUBJECT MATTER

The Examiner's indication that claims 8-10 are allowed is acknowledged and appreciated.

PRIOR ART REJECTIONS

In the Office Action claim 5 is rejected under 35 USC 102(e) as being anticipated by USP 6,535,243 (Tullis). Claims 14 and 15 are rejected under 35 USC 102(e) as being anticipated by USP 6,392,697 (Tanaka et al.). Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Tullis in view of USP 6,262,767 (Wakui). Claims 16-18 are rejected under 35 USC 103(a) as being unpatentable over Tanaka et al. in view of USP 5,943,517 (Sato).

On page 2 of the Office Action, in the section entitled "Response to Arguments," the Examiner indicates that Tullis (US 6,535,243) discloses that the system can directly transmit an image captured by a hand-held digital camera to a host computer, and that the reference therefore inherently teaches "only an image unrecorded in a recording apparatus of the master unit to the master unit and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means." However, Applicant respectfully states that in the process disclosed in Tullis

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(column 6, lines 34-63), although it is possible to transmit all images captured by a hand-held digital camera to a host computer, there is no teaching of a device which knows for certain which image is not recorded in the host computer. For example, in the case where a plurality of images captured by a hand-held camera are transmitted to a host computer over several times and stored in the computer, if the first 10 images of the captured images are transmitted to the host computer at a first transmission time and an image of the first group of images is erased from the host computer, the erased image will not be transmitted to the host computer again even when a second transmission of the images stored in the camera is performed. This is because there is no means taught in Tullis to know for certain the image file recorded in the recording apparatus of the master unit.

In amended claim 5, it is clearly recited that receiving means receives an identifier for identifying an image file, to be sent to a master unit, recorded in the recording means from the master unit. That is, the electronic camera has a receiving means for receiving information to identify a file unrecorded in the recording apparatus of the master unit from the master unit, and it is possible for the camera to know which image file is unrecorded in the recording means of the master unit identified by the identifier received by the receiving means.

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Therefore, in claim 5, even if a plurality of images of the electronic camera are transmitted to the master unit over several separate transmissions, an identifier for identifying an unrecorded image file in the recording apparatus but not recorded in the recording means of the electronic camera is received from the master unit every time the electronic camera is connected to the master unit. As the image file identified by the identifier is transmitted to the master unit, even if an image recorded in the recording apparatus of the master unit is erased during transmission, the erased image is transmitted to the master unit again, and can be recorded in the recording apparatus as long as the erased image is recorded in the electronic camera.

That is, claim 5 is patentable over Tullis because Tullis does not disclose, teach or suggest, inter alia,

receiving means for receiving an identifier of said image file recorded in said recording means from the master unit,

wherein the transmission means transmits only an image file identified by said identifier which is received by said receiving means to the master unit, the image file transmitted is unrecorded in a recording apparatus of the master unit to the master unit and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means (see claim 5, lines 12-20).

In view of the foregoing, claim 5 is patentable over Tullis under 35 USC 102 as well as 35 USC 103.

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The remaining references of record do not close the gap between the present claimed invention as defined by amended claim 5 and Tullis. Therefore, claim 5 is patentable over all of the references of record under 35 USC 102 as well as 35 USC 103.

Claim 6 is dependent on claim 5 and is patentable over the cited references in view of its dependence on claim 5 and because the references do not disclose, teach or suggest each of the limitations set forth in claim 6.

In the Office Action the Examiner rejects claim 14 under 35 USC Section 102(e) contending that Tanaka (USP 6,592,69782) discloses that the digital still camera is a wireless telephone, and that the digital still camera can communicate with various remote devices including a computer.

In the PHS of amended claim 14, when the electronic camera receives an identification code of the base station in position registration processing according to movement, the base station unit stores the transmitted image sensing data in the predetermined storage unit. Tanaka does not disclose such a function nor a device to accomplish this function.

Due to this function, the electronic camera system of claim 14 automatically transmits image sensing data to the base station unit, and stores the transmitted image sensing data in the

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predetermined storage unit when the electronic camera can communicate with the identified base station unit.

Similar to Tullis, Tanaka does not disclose, teach or suggest transmitting only image sensing data unrecorded in the master unit of the base station from the electronic camera to the base station.

That is, claim 14 is patentable over Tanaka because Tanaka does not disclose, teach or suggest, inter alia:

a base station unit of the personal handy phone system (PHS) which has a unique identification code and a predetermined storage unit and is capable of data communication compatible to said personal handy phone system, and when the electronic camera receives the identification code of the base station in position registration processing according to movement, the base station unit performs data communication with said electronic camera and stores the transferred image sensing data in said predetermined storage unit,

wherein the electronic camera transfers only image sensing data which is identified as the unrecorded data in the predetermined storage unit of the base station unit to the base station unit and the image sensing data is recorded in the predetermined storage unit of the base station unit upon being transmitted by the electronic camera (see claim 14, lines 9-23).

In view of the foregoing, claim 14 is patentable over Tanaka under 35 USC 102 as well as 35 USC 103.

The remaining references of record do not close the gap between the present claimed invention as defined by amended claim

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14 and Tanaka. Therefore, claim 14 is patentable over all of the references of record under 35 USC 102 as well as 35 USC 103.

Claim 15 is dependent on claim 14 and is patentable over the cited references in view of its dependence on claim 14 and because the references do not disclose, teach or suggest each of the limitations set forth in claim 15.

In the Office Action, the Examiner rejects claim 16 under 35 USC Section 103(a) over Tanaka in view of Sato. The Examiner states that the electro-developing type camera (Fig. 1) of Sato has a picture data output function using an infrared communication unit (Fig. 2, reference numeral 38). However, the iris drive circuit 38 of Sato is a circuit for adjusting the size of a diaphragm 30 (iris) during exposure (see column 6, lines 53-56 of Sato), and is not an infrared communication unit.

In the Office Action the Examiner also states that Sato discloses an electronic camera transferring an image to a recording medium. Although a captured image is transmitted to a recording medium (Fig. 1, reference designation RM) in Sato, the recording medium RM is a medium on which an optical image is formed by exposure in an electro-developing type camera (see column 7, lines 1-20; column 9, line 20 through column 10, line 10 of Sato), and is not a medium for recording a transmitted image. The optical image formed on the recording medium RM is

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read by a line image sensor 54 of a scanning mechanism 48 (see column 7, line 22 through column 8, line 13 of Sato), and is temporarily stored as digital image data in a memory 68 (see column 8, lines 23-36 of Sato). The digital image data stored in the memory 68 is transmitted out of the camera via an interface circuit 70, and stored in a memory device 74 (see column 8, lines 37-56 of Sato). The memory-medium used in the memory device or memory-medium driver 74 is sectioned into a plurality of files (see column 12, lines 9-25 of Sato), and the digital image data stored in the memory 68 is stored in the memory-medium as a file having a name selected by a file-selection switch (FS) 75 (see column 12, lines 44-65 of Sato).

At this time, if the same file-name as the file-name selected by the file-selection switch (FS) 75 is registered in the memory-medium, an LCD panel 22 displays a message announcing that there is the same file-name as the selected file-name, and notifies that the selected file name can be changed into another file-name.

Next, when the file-designation switch 77 is turned ON, digital image data is registered with the file-name selected by the file-selection switch (FS) (see column 15, lines 5-26 of Sato). On the other hand, when transmitting digital image data recorded in the memory-medium of the memory device or

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memory-medium driver 74 to a personal computer via an interface connector 26, if a same file-name as the file-name selected by the file-selection switch 75 exists in the memory-medium, and the file is an image file, the digital image data is transmitted (steps 1601-1606 of Fig. 16 of Sato). If the same file-name as the selected file-name does not exist in the memory-medium, and a recorded recording medium RM is loaded in the electro-developing type camera, an optical image is read as digital image data from the recording medium RM (steps 1607-1613 of Fig. 1 of Sato), and the digital image data is transmitted (steps 1605-1606 of Fig. 16 of Sato).

As described above, in Sato, when recording digital image data in a memory device of an electro-developing type camera or a memory-medium of a memory-medium driver 74, and also when transmitting the digital image data stored in the memory-medium outside via the interface connector 26, a user must select a file-name by a file-selection switch (FS) 75.

In contrast, in the amended claim 16, the communication unit of the electronic camera is configured to communicate with a specified communication unit, and when communication is established with the specified communication unit in position registration processing according to movement, an image, which has not been sent, stored in the storage unit of the electronic

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camera is automatically transmitted to the specified communication unit.

That is, claim 16 is patentable over Tanaka in view of Sato because the references do not disclose, teach or suggest, inter alia:

a communication unit configured to communicate with a specified communication unit when said specified communication unit is found to establish mutual communication in position registration processing according to movement;

wherein said communication unit transmits said image file stored in said storage unit to said specified communication unit if it is determined that said image file is not previously sent to said specified communication unit (see claim 16, lines 8-15).

In view of the foregoing, claim 16 is patentable over Tanaka taken in combination with Sato under 35 USC 102 as well as 35 USC 103.

None of the other references of record close the gap between the present claimed invention as defined by amended claim 16 and Tanaka taken in combination with Sato. Therefore, claim 16 is patentable over all of the references of record under 35 USC 102 as well as 35 USC 103.

Claim 17 is dependent on claim 16 and is patentable over the cited references in view of its dependence on claim 16 and because the references do not disclose, teach or suggest each of the limitations set forth in claim 17.

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In view of all of the foregoing, claims 5, 6, 8-10 and 14-17 are in form for immediate allowance, which action is earnestly solicited.

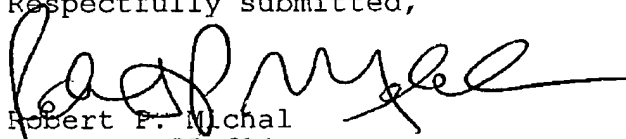
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Entry of this Amendment under the provisions of 37 CFR 1.116, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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